



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/638,844

08/11/2003

Henry C. Yuen

IS/049 CONT 2

4452

75563

7590

07/09/2008

ROPES & GRAY LLP

PATENT DOCKETING 39/361

1211 AVENUE OF THE AMERICAS

NEW YORK, NY 10036-8704

EXAMINER

BANTAMOI, ANTHONY

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/638,844	Applicant(s) YUEN ET AL.	
	Examiner ANTHONY BANTAMOI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/14/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 10-17, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mankovitz U.S. Patent 5,559,550, (hereafter referenced as Mankovitz).

Regarding claim 1, Mankovitz discloses an EPG with a picture in picture (PIP) functionality such that when the EPG is in the program selection mode, the user is able to select a program among the listed programs which is displayed in the PIP window which reads on “displaying a plurality of first television program listing in the first EPG mode; selecting one of the displayed first program listings in the first EPG mode; setting the tuner to a channel carrying the first program indicated by the selected first program listing; displaying the first program in the picture-in-picture mode in the first EPG mode” (column 10, lines 56-60), in addition Mankovik discloses a channel specific guide format (CSPG) which when selected allows user to graze through EPG while marinating

a current program in the PIP window at the same time providing information about other highlighted programs on the program list, which reads on “changing to a second EPG mode in response to a user command; displaying the first program in the picture-in-picture mode in the second EPG mode; displaying a plurality of first television program listing in the second EPG mode; selecting one of the displayed second program listings in the second EPG mode; and in response to selecting one of the displayed second program listings, displaying information on the selected second program while maintaining a picture-in-picture window with the display of the first program” (column 11, 31-47).

Regarding claim 2, Mankovitz discloses a program listing in the CSPG mode wherein the first program in the PIP window is among the other programs listed, which reads on “the method wherein the plurality of the second television program listings include a program listing for the first program displayed in the picture-in-picture window in the second EPG mode” (figure 11A).

Regarding claim 3, Mankovitz the program displayed in the PIP window In a fixed position on the list in the CSPG mode, which reads on “the method further comprising maintaining the program listing for the first program in a fixed position on the display screen” (figure 11A).

Regarding claim 4, Mankovitz discloses the previously selected program in the PIP window while user scrolls among other listed programs wherein their information is also displayed in the CSPG mode, which reads on “the method further comprising

changing the displayed plurality of the second television program listing while continuing to display the program listing for the first program” (figure 11A).

Regarding claim 5, Mankovick discloses pressing the GUIDE/TV button wherein the EPG disappears and the current program is displayed on the whole screen which reads on “the method further comprising a user selection of a television viewing mode and displaying the first program in full screen format” (column 11, 27-30).

Regarding claim 10, Mankovitz discloses a now mode 1257 of an EPG where all the programs listed are current programs which reads on “the method wherein the first EPG mode displays television program listings of television programs broadcast at a present time” (column 2, line 57-58).

Regarding claim 11, Mankovitz discloses a CSPG mode wherein the current programs and future programs are listed on a single channel up to about twenty four hours which reads on “the method wherein the second EPG mode display television program listings of television programs to be broadcast at a present time and at a future time by the channel carrying the first program” (column 11, 31-47).

Regarding claim 12, Mankovitz displays listings of programs in the CSPG mode including listings of programs to be displayed in a designated future which reads on “the method wherein the second EPG mode display television program listings of all television programs to be broadcast at a designated future time” (figure 11A).

Regarding claim 13, Mankovitz discloses a tuner (figure 8A, 1272) which reads on “a tuner”, a TV monitor (figure 8A, 1279) which meets “a display”, a PIP window (figure 9, 1252) which meets “a picture-in-picture window”, a viewer input device (figure

8A, 1288) which meets “a user input device”, and a microprocessor (figure 8A, 1284) coupled to a memory (figure 8A, 1282) which meets “a processor coupled to the memory, tuner, display, picture-in-picture window, and user input device, wherein the processor is configured to: display on the display a plurality of first television program listings in a first EPG mode; receive a via the user input device a user selection of one of the displayed first program listings in the first EPG mode; set the tuner to a channel carrying a first program indicated by the selected first program listing; display the first program in the picture-in-picture window in the first EPG mode; change to a second EPG mode in response to a user command; display the first program in the picture-in-picture window in the second EPG mode; display on the display the plurality of second television program listings in the second EPG mode; receive via the user input device a user selection of one of the displayed second program listings in the second EPG mode; and in response to the selection of one of the displayed second program listings, display on the display information on the selected second program while maintaining the picture-in- picture window with the display of the first program” (column 11, 31-47).

Regarding claim 14, Mankovitz discloses current program 1259 in PIP window 1252 together with other program listings in the CSPG mode which reads on “wherein the plurality of the second television program listings include a program listing for the first program displayed in the picture-in-picture window in the second EPG mode” (figure 11A).

Regarding claim 15, Mankovitz the program displayed in the PIP window in a fixed position on the list in the CSPG mode, which reads on “The system wherein the

processor is further configured to maintain the program listing for the first program in a fixed position on the screen" (figure 11A).

Regarding claim 16, Mankovitz discloses the previously selected program in the PIP window while user scrolls among other listed programs in the CSPG mode, which reads on "The system wherein the processor is further configured to change the displayed plurality of second television program listings while continuing to display the program listing for the first program" (figure 11A).

Regarding claim 17, Mankovitz discloses pressing the GUIDE/TV button wherein the EPG disappears and the current program is displayed on the whole screen which reads on "The system wherein the processor is further configured to: receive via the user input device a user selection of a television viewing mode; and display the first program in full screen format" (column 11, 27-30).

Regarding claim 22, Mankovitz discloses a now mode 1257 of an EPG where all the programs listed are current programs which reads on "The system, wherein the first EPG mode displays television program listings of television programs broadcast at a present time" (column 2, line 57-58).

Regarding claim 23, Mankovitz discloses a CSPG mode wherein the current programs and future programs are listed on a single channel up to about twenty four hours which reads on "The system, wherein the second EPG mode displays television program listings of television programs to be broadcast at a present time and a future time by the channel carrying the first program" (column 11, 31-47).

Regarding claim 24, Mankovitz displays listings of programs in the CSPG mode including listings of programs to be displayed in a designated future which reads on "The system, wherein the second EPG mode displays television program listings of all television programs to be broadcast at a designated future time" (figure 11A).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz, in view of Knee et al US Patent 5,589,892 (hereafter referenced as Knee) .

Regarding claim 6, Mankovitz, discloses switching from a television viewing mode wherein the images are viewed on a full screen by pressing the GUIDE/TV command which reads on "displaying a second program carried by a television channel in full screen format during a television viewing mode; receiving a user selection of the first EPG mode" (column 11, 19-30).

Mankovitz is silent about storing in a channel memory a designation of the television channel in response to the user selection of the first EPG mode; generating a last channel listing for the channel designation; and displaying the plurality of first television program listings and the last channel listing in the first EPG mode.

Knee discloses entering a guide mode from television viewing mode wherein the last channel viewed by the viewer is designated and displayed among a plurality of the other channels which reads on “storing in a channel memory a designation of the television channel in response to the user selection of the first EPG mode; generating a last channel listing for the channel designation; and displaying the plurality of first television program listings and the last channel listing in the first EPG mode” (column 18, 55-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz with the feature of displaying a designated last channel in the channel guide as taught by Knee in order to provide an easy method for the user to navigate between current and previous programs on the EPG.

Regarding claim 7, Mankovitz is silent about receiving a selection of the displayed last channel listing; retrieving the designation of the television channel from the channel memory in response to the selection; and changing the television viewing mode to display a program carried by the television channel in full screen format.

Knee discloses an all listing mode wherein upon selecting a program and pressing the enter key the tuner tunes to the selected program and displays it full screen if program is currently aired which reads on “receiving a selection of the displayed last channel listing; retrieving the designation of the television channel from the channel memory in response to the selection; and changing the television viewing

mode to display a program carried by the television channel in full screen format” (column 18, 55-63 and column 19, 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz with the feature of displaying a designated last channel in the channel guide as taught by Knee in order to provide an easy method for the user to navigate between current and previous programs on EPG.

Regarding claim 8, Mankovitz discloses an EPG scrolling mode in figure 9A wherein the program highlighted 1258 is married with children and in figure 11A Mankovitz discloses a (CSPG) mode where in the last channel highlighted is displayed among the other listed channels which reads on “the method further comprising the plurality of the second television program listings and the last channel listing in the second EPG mode” (figures 9, and 11A).

Regarding claim 9, Mankovitz discloses an EPG scrolling mode in figure 9A wherein the program highlighted 1258 is married with children and in figure 11A Mankovitz discloses a (CSPG) mode where in the last channel highlighted is displayed among the other listed channels in the same position it was in the first EPG mode which reads on “the method wherein the last channel listing remains in a fixed position on the screen” (figures, 9 and 11A).

Regarding claim 18, Mankovitz, discloses switching from a television viewing mode wherein the images are viewed on a full screen by pressing the GUIDE/TV command which reads on “The system further comprising a channel memory coupled to the processor, wherein the processor is further configured to: display a second program

carried by a television channel in full screen format during a television viewing mode; receive via the user input device a user selection of the first EPG mode; store in the channel memory a designation of the television channel in response to the user selection of the first EPG mode; generate a last channel listing for the channel designation; and display the plurality of first television program listings and the last channel listing in the first EPG mode” (column 11, 19-30).

Mankovitz is silent about storing in a channel memory a designation of the television channel in response to the user selection of the first EPG mode; generating a last channel listing for the channel designation; and displaying the plurality of first television program listings and the last channel listing in the first EPG mode.

Knee discloses entering a guide mode from television viewing mode where in the last channel viewed by the viewer is designated and displayed among a plurality of the other channels which reads on “storing in a channel memory a designation of the television channel in response to the user selection of the first EPG mode; generating a last channel listing for the channel designation; and displaying the plurality of first television program listings and the last channel listing in the first EPG mode” (column 18, 55-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz with the feature of displaying a designated last channel in the channel guide as taught by Knee in order to provide an easy method for the user to navigate between current and previous programs on EPG.

Regarding claim 19, Mankovitz is silent about the system, wherein the processor is further configured to: receive a selection of the displayed last channel listing; retrieve the designation of the television channel from the channel memory in response to the selection; and change to the television viewing mode to display a program carried by the television channel in full screen format.

Knee discloses an all listing mode wherein upon selecting a program and pressing the enter key the tuner tunes to the selected program and displays it full screen if program is currently aired which reads on "The system, wherein the processor is further configured to: receive a selection of the displayed last channel listing; retrieve the designation of the television channel from the channel memory in response to the selection; and change to the television viewing mode to display a program carried by the television channel in full screen format" (column 18, 55-63 and column 19, 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz with the feature of displaying a designated last channel in the channel guide as taught by Knee in order to provide an easy method for the user to navigate between current and previous programs on EPG.

Regarding claim 20, Mankovitz discloses an EPG scrolling mode in figure 9A wherein the program highlighted 1258 is married with children and in figure 11A Mankovitz discloses a (CSPG) mode where in the last channel highlighted is displayed among the other listed channels which reads on "The system, wherein the processor is further configured to display on the display the plurality of second television program listings and the last channel listing in the second EPG mode" (figures 9, and 11A).

Regarding claim 21, Mankovitz discloses an EPG scrolling mode in figure 9A wherein the program highlighted 1258 is married with children and in figure 11A Mankovitz discloses a (CSPG) mode where in the last channel highlighted is displayed among the other listed channels in the same position it was in the first EPG mode which reads on "The system wherein the last channel listing remains in a fixed position on the screen" (figures, 9 and 11A).

5. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz in view of Pugel US Patent 5,748,261 (hereafter referenced as Pugel).

Regarding claim 25, Mankovitz discloses the system to navigate a program guide (figure 8A: Mankovitz discloses a memory for storing the program guide (figure 8A, label 1285: Mankovitz discloses a tuner for channel tuning (figure 8A, label 1272: Mankovitz discloses switching between television viewing in full screen format mode and EPG mode via the GUIDE/TV command (column 11, 19-30: Mankovitz discloses a plurality of program listings including last channel designation in the EPG mode (figure 11A: Mankovitz discloses an input receiver device (figure 8A label 1288: Mankovitz discloses a processor coupled to the memory where the program guide information is stored (figure 8A label 1285: Mankovitz discloses a processor configured to set the tuner to receive a particular channel in the television viewing mode; display on the display screen a program being telecast on the particular channel in the full screen format; change to the EPG mode; store the particular channel in the second memory as the last channel designation when changing to the EPG mode; display the last channel designation on the display screen with the program listings in the EPG mode; receive a

user selection of either the channel designation of one of the displayed program listings or the last channel designation while in the EPG mode; set the tuner to the channel of the selected designation; and return to the television viewing mode to display a program being telecast on the channel to which the tuner is set (figure 8A label 1284).

However, Mankovitz is silent about a second memory for storing a last channel designation coupled to a processor. Pugel disclose a receiver with a last channel memory (column 3, 21-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the EPG navigation system of Mankovitz to include a last channel memory as taught by Pugel in order to allow user to recover previously watched channel incase there is a power fault.

Regarding claim 26, Mankovitz disclose displaying a PIP window simultaneously with program information and program listings including the last channel selected in the CSPG mode (figure 11A).

Regarding claim 27, Mankovitz discloses a last channel (Married with children) telecasted on a specific channel in the CSPG mode (figure 11A).

Regarding claim 28, Mankovitz discloses the currently broadcasted program as a program selected from the EPG mode (figure 9).

Regarding claim 29, Mankovitz discloses a processor configured to maintain the last channel designation in a fixed location on the display screen (figure 11A).

Regarding claim 30, Mankovitz disclosed the processor configured to change the displayed program listing while maintaining the last channel designation (figure 11A).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on Monday - Friday 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272 7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Bantamoi
Examiner
Art Unit 2623

/Anthony Bantamoi/
Examiner, Art Unit 2623

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623